

Attorney Docket No.: T7088(C)
Serial No.: 10/535,593
Filed: November 21, 2005
Confirmation No.: 7916

REMARKS

Applicants thank the Examiner for an indication of allowable subject matter.

Amendments to the Claims

The following amendments are offered in an earnest attempt to expedite prosecution of the application.

Claims 1 and 8 have been amended without prejudice to recited embodiments of the invention that are more clearly defined and differentiated from the prior art.

Claim 1 has been amended to incorporate the limitations of claims 2 and 3.

Claim 1 has been further amended to replace the verbiage "those parts of the apparatus which will come into contact with the components are defined by a foil material" by the phrase "the foil material prevents the components and resulting product from coming into contact with the apparatus itself apart from the foil material" as disclosed on page 2, lines 16-18.

Claim 1 has also been amended to replace the phrase "which can be renewed between two successive mixing operations such as to be able to start a mixing operation with an uncontaminated apparatus" by the phrase taken from claim 3 "wherein the foil sheets are elongate foil sheets which are moved relative to the

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apparatus between two successive mixing operations and wherein means for moving the foil sheets are provided".

Claim 8 has been amended to incorporate the limitations of claims 9 and 10.

Claim 8 has been further amended to replace the verbiage "those parts of the apparatus which will come into contact with the components are defined by a foil material" by the phrase "the foil material prevents the components and resulting product from coming into contact with the apparatus itself apart from the foil material" as disclosed on page 2, lines 16-18.

Claim 4 has been amended to change its dependency to claim 1 and to clarify that the flexible member in the operative position covers and seals the recess.

Claim 5 has been amended to correct a typographical error.

Claim 11 has been amended to change its dependency to claim 8.

Claims 2, 3, 9 and 10 are cancelled without prejudice as their limitations have been incorporated into the corresponding independent claims 1 and 8.

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Claim Rejections – 35 USC §112

Claims 1-6, 8-11 were rejected under 35 USC §112, second paragraph, as being indefinite in specifying the positive elements which touch the mixed components [and product] and those which do not.

Claims 1 and 8 have been amended to positively recite that "the foil material prevents the components and resulting product from coming into contact with the apparatus itself apart from the foil material". (Disclosed in the specification at page 2, lines 16-18).

Claims 1-6 and 8-11 were rejected under 35 USC §112, second paragraph, as being indefinite for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural components.

Claims 1 and 8 have been amended to recite that the foil sheets are elongate foil sheets which are moved relative to the apparatus between two successive mixing operations and wherein means for moving the foil sheets are provided". (Disclosed in Claim 3).

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Claims 1-6 and 8-11 were rejected under 35 USC §112, second paragraph, as being unclear for including the phrase “such as”

The phrase “such as” has been deleted from claims 1 and 8.

Applicants' submit that the amended claims clearly and definitely point out the metes and bounds of their invention to the standard required under 35 USC §112 and respectfully request the §112 rejection be reconsidered and withdrawn.

Claim Rejections – 35 USC §102

Claims 1, 6, 8, and 9 were rejected under 35 USC §102 (b) as being anticipated by Hedenberg (US 4,550,653).

Claims 1 and 8 were rejected under 35 USC §102 (b) as being anticipated by Lieberman (US 3,681,485).

Allowable Subject Matter

The Examiner held in the Office Action mailed February 20, 2009 that claims 3-5 and 10-11 would be allowable if rewritten to overcome the rejections under 35 USC §112 2nd paragraph and to include all the limitations of the base claim and any intervening claims.

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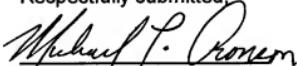
Applicants have rewritten claim 1 to presumably overcome the §112 2nd paragraph rejection and to incorporate the limitations of claims 2 and 3 thereby reciting allowable subject matter.

Applicants have rewritten claim 8 to presumably overcome the §112 2nd paragraph rejection and to incorporate the limitations of claims 9 and 10 thereby reciting allowable subject matter.

In view of the foregoing amendment and remarks, applicants respectfully request that the application be allowed to issue.

If a telephone conversation would be of assistance, Applicant's undersigned agent invites the Examiner to telephone at the number provided.

Respectfully submitted,


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